

## FOREIGN ACTIVITIES QUESTIONNAIRE

### PRIVACY ACT STATEMENT

**AUTHORITY:** 5 U.S.C. 301; U.S. CONST. art. I, §9, cl. 8; 5 U.S.C. 7342.

**PRINCIPAL PURPOSE(S):** Information will be used by DoD officials to determine whether (1) an employee or prospective employee, including a special government employee serving on an advisory committee, is eligible to undertake, or remain, in Federal Service; and (2) an employee, including a member of an advisory committee, or their family members, are authorized to accept foreign gifts and decorations from a foreign government.

**ROUTINE USE(S):** Information may be disclosed to (1) Federal, State, or local agencies having responsibility for investigating, prosecuting, or implementing a statute, rule, regulation, or order, where there is an indication of an actual or potential violation of law; (2) Federal agencies, a court, or a party before an administrative proceeding or a court, either when the Government is a party to an administrative or judicial proceeding or in order to comply with authorized procedural requests for information pertinent to the subject matter of the proceeding or litigation; and (3) public and private sources for purposes of obtaining information relevant to a conflict of interest investigation or determination.

**DISCLOSURE:** Voluntary; however, failure to provide this information may result in a determination that (1) an individual is not eligible to undertake, or to continue, service as a Federal employee, including service as a member of an advisory committee; and (2) the employee, or family member, is not authorized to retain a foreign gift or decoration.

This questionnaire is intended to assist members of DoD advisory committees in disclosing potential conflicts of interest arising from the committee members' employment by or activities with foreign governments. The restrictions are described below.

#### **The Emoluments Clause.**

This provision of the United States Constitution prohibits anyone who holds an "Office of Profit or Trust" in the Government from accepting a position with a foreign state, whether compensated or uncompensated, or from accepting any compensation or other items of value, including salary, honoraria, and travel expenses, from a foreign state, except as authorized by Congress. The Department of Justice has advised that most members of Federal advisory committees are deemed to hold an "Office of Profit or Trust" within the meaning of the Emoluments Clause unless they serve strictly in a representative capacity (an individual who only represents the views of a third party). For purposes of the Emoluments Clause, a "foreign state" is deemed to include an **international organization** in which the United States is NOT a member. In addition, a **foreign public university** is presumed to be part of the foreign state, unless the university is independent of the foreign government with respect to decisions regarding the terms and conditions of faculty appointment. The employee or committee member has the responsibility for obtaining and providing to DoD information sufficient to make such determinations.

#### **The Foreign Gifts and Decorations Act.**

By this statute, Congress has authorized employees, including advisory committee members, to accept items from a foreign government that do not exceed "minimal value" (currently \$285). This figure is adjusted every three years for inflation; Committee staff can provide the most current valuation. Tangible items over minimal value that have been accepted must be turned in to the agency and become Government property. The Act authorizes acceptance of items over minimal value when such items consist of an educational scholarship, medical treatment, or expenses for travel taking place entirely outside the United States (thus, permitting hotel and meal reimbursements in the foreign country, but not airfare for flights originating or terminating in the United States). Congress has extended to spouses and dependent children of employees the ban on gifts over minimal value; however, they are not covered by the ban on holding positions or from accepting salary or compensation for services performed for a foreign state.

# **FOREIGN ACTIVITIES QUESTIONNAIRE (Continued)**

**1. NAME** (Last, First, Middle Initial)

**2. COMMITTEE**

**3. DAYTIME TELEPHONE NUMBER** (Include Area Code)

**4. MAILING ADDRESS** (Include ZIP Code)

**5. E-MAIL ADDRESS** (Optional)

**6.** Describe any activities you are currently undertaking, or expect to undertake, during your tenure on a Federal advisory committee, involving a foreign government, including a foreign public university or government-owned corporation. Such activities include consulting work, receipt of grants or contracts (directly or through your domestic employer), faculty appointments, lectureships, or the holding of an office, title, or position.

☐ IF NONE, X HERE.

**7.** If any activity described above is with a foreign public university and consists of a faculty appointment, describe whether the university is independent of the foreign government with respect to decisions regarding the terms and conditions of faculty employment. (You may have to consult with the foreign university to obtain such information.)

**8.** Describe any tangible or intangible gift, including travel reimbursement or other items of value, that you anticipate that you, your spouse, or your dependent child will receive from a foreign government during your tenure on a Federal advisory committee.

☐ IF NONE, X HERE.

**9. SIGNATURE OF REPORTING INDIVIDUAL**

**10. DATE** (YYYYMMDD)